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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,219	06/26/2003	Shigekazu Morikawa	030770	3714

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WASHINGTON, DC 20036

EXAMINER
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JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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06/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/606,219

**Applicant(s)**

MORIKAWA, SHIGEKAZU

**Examiner**

HEATHER R. JONES

**Art Unit**

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed March 30, 2009, with respect to the rejection(s) of claim(s) 10-15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (U.S. Patent 5,952,943) in view of Itokawa (U.S. Patent 7,072,404)

Regarding claim **10**, Walsh et al. discloses a moving image reproducing apparatus that reproduces a moving image constituted by frame-sequential compressed still images, each of the compressed still images including a plurality of encoded image components formed by encoding the compressed still image for each frequency component, comprising: a receiver (210) for frame-sequentially receiving the plurality of encoded image components (Fig. 2); a decoder for sequentially decoding, in the order of a lower frequency, the plurality of encoded image components received by the receiver (Figs. 8 and 9);

determining the decoding amount is within a specified amount of time (the amount of time it takes to receive the next frame) (Fig. 9 – memory for next frame (912) - once the decoder stores the band it knows that this frame is done and can proceed to the next frame); a controller for controlling a decoding amount in the decoding process of the encoded image components for one frame when its that the decoding process has not been completed in a specified amount of time (Fig. 10 - steps 1010-1018 – the decoding time is being controlled); and a reproducer for reproducing the moving image by the decoded still images produced (Fig. 2 – display processor (202) and monitor (204)). Walsh et al. fails to explicitly disclose a multiplexer for producing decoded still images for one frame by multiplexing with each other a plurality of decoded image components decoded by the decoder. However, Walsh et al. does disclose a display processor (202) that receives the decoded data and processes the decoded data before displaying the data. Official notice is taken that it is well known in the art that in order to display an image the decoded bands need to be processed and part of processing the decoded bands is to multiplex the decoded bands in order to form an image suitable for display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a multiplexer as part of the display processor in order to reconstruct the image thereby making it suitable for display. Furthermore, Walsh et al. still fails to disclose a determiner for determining whether or not a decoding process of the encoded image components for one frame is completed by said decoder when

the plurality of encoded image components equal to the compressed still images for a next frame are received by said receiver; and a controller for controlling a decoding amount by decoding said plurality of encoded image components except for at least a portion of encoded image components corresponding to high frequency components in said decoding process of the encoded image components for one frame when said determiner determines that said decoding process has not been completed.

Referring to the Itokawa reference, Itokawa discloses a moving image reproducing apparatus that reproduces a moving image constituted by frame-sequential compressed still images, each of the compressed still images including a plurality of encoded image components formed by encoding the compressed still image for each frequency component, comprising: a determiner for determining whether or not a decoding process of the encoded image components for one frame is completed by said decoder when the plurality of encoded image components equal to the compressed still images for a next frame are received by said receiver (Fig. 2 - step S204; col. 10, lines 22-63 – maximum decoding time for each frame is based on the time till the reception of next frame; col. 11, lines 16-26); a controller for controlling a decoding amount by decoding said plurality of encoded image components except for at least a portion of encoded image components corresponding to high frequency components in said decoding process of the encoded image components for one frame when said determiner determines that said decoding process has not been

completed (Fig. 2; col. 10, lines 22-63; col. 11, lines 16-26 – a lower quality image is displayed when there is not enough time to fully decode the whole image meaning that the higher frequency components are left undecoded).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have changed the decoding rate based upon the time it takes to decode an image as disclosed by Itokawa in the reproducing apparatus disclosed by Walsh et al. in order to eliminate visual flaws between frames.

Regarding claim **11**, Walsh et al. in view of Itokawa discloses all the limitations as previously discussed with respect to claim 10 including that the apparatus further comprises a mode setter for selectively reproducing the plurality of encoded image components received by said receiver in a high image quality mode or a low image quality mode, wherein said determiner determines whether or not the decoding process in said high image quality mode is completed, and said controller controls said decoding amount by causing said mode setter to set said low image quality mode (Walsh et al.: Fig. 10 - steps 1010-1018; col. 9, line 60 - col. 10, line 18 – the high and low image quality is set according to whether or not the decoding time for the frame is acceptable; Itokawa: Fig. 2; col. 10, lines 22-63; col. 11, lines 16-26 - changing the quality of the decoder based on the determined decoding amount).

Regarding claims **12** and **13**, these are method claims corresponding to the apparatus claims 10 and 11. Therefore, claims 12 and 13 are analyzed and rejected as previously discussed with respect to claims 10 and 11.

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. in view of Itokawa as applied to claims 10-13 above, and further in view of Vetro et al. (U.S. Patent 6,519,288).

Regarding claim **14**, Walsh et al. in view of Itokawa discloses all the limitations as previously discussed with respect to claims 10 and 11, but fails to disclose that the apparatus includes said mode setter fixes the reproduction of the plurality of encoded image components received by said receiver in a high image quality mode or a low image quality mode; and said controller controls said decoding amount in an amount based on the mode fixed by the mode setter.

Referring to the Vetro et al. reference, Vetro et al. discloses a decoder that includes a mode setter that fixes the reproduction of the plurality of encoded image components received by said receiver in a high image quality mode or a low image quality mode; and said controller controls said decoding amount in an amount based on the mode fixed by the mode setter (col. 8, line 35 – col. 9, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the controller cancel a limitation of the decoding amount when a specific mode is manually selected by the user as disclosed by Vetro et al. combined with the reproducing apparatus disclosed by

Walsh et al. in view of Itokawa in order to allow the user more control over the quality of the image they are viewing.

Regarding claim **15**, this is a method claim corresponding to the apparatus claim 14. Therefore, claim 15 is analyzed and rejected as previously discussed with respect to claim 14.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
June 17, 2009

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621